

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Petitions of SBC ILECs and	)	
VarTec Telecom, Inc. For	)	WC Docket No. 05-276
Declaratory Ruling Regarding	)	
The Application Of Access Charges	)	
To IP-Transported Calls	)	
_____	)	

**COMMENTS OF BROADWING COMMUNICATIONS, LLC**

Broadwing Communications, LLC (“Broadwing”), by undersigned counsel and in response to the Commission’s Public Notice released September 26, 2005,<sup>1</sup> offers its comments on the Petitions for Declaratory Ruling filed by the SBC ILECs and VarTec Telecom, Inc. Broadwing has reviewed the Comments of Level 3 Communications, Inc., as filed this date, and concurs with the legal analysis of Section II of those Comments in which Level 3 asserts, among other things, that terminating LECs should assess access charges only on the last carrier delivering long distance PSTN-to-PSTN traffic to a local exchange carrier.

Broadwing wishes to further emphasize that, under existing tariffs and industry practices, billing for PSTN-to-PSTN long distance calls handled by multiple parties is not a significant problem that requires new Commission relief. Regardless whether multiple carriers are cooperating to provide an interexchange service, or multiple LECs are cooperating to provide an access service, there are procedures in place to ensure that terminating LECs are properly compensated.

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<sup>1</sup> *Pleading Cycle Established for SBC’s and VarTec’s Petitions for Declaratory Ruling Regarding the Application of Access Charges to IP-Transported Calls*, WC Docket 05-276, Public Notice (Sept. 26, 2005).

## **A. Multiple IXCs**

In the case of multiple IXCs, LEC access tariffs are uniformly clear that the last carrier in the chain, before the first point of access switching, is the access customer and is responsible for access charges. Switched access service, as typically described, is not an abstract offering to accept interexchange traffic in general, but instead is a physical, point-to-point connecting service unique to a single customer. As an example, one SBC company describes its service as:

a two-point communications path between a customer's premises and an end user's premises through the use of common terminating, common switching, Switched Transport facilities, and common subscriber plant of the Telephone Company. Switched Access Service provides for the ability to originate calls from an end user's premises to a customer's premises, and to terminate calls from a customer's premises to an end user's premises.<sup>2</sup>

Usage charges for this service are applied per line or trunk.<sup>3</sup>

This payment arrangement is elegant in its simplicity. The terminating LEC need only look on the other end of the connecting trunk to determine who is responsible for charges. The tariffs do not contemplate, nor permit, the LEC to seek access charges from another IXC that handed traffic off to the LEC's access customer.

## **B. Multiple LECs**

Call termination by two or more cooperating LECs is generally governed by tariffs and industry guidelines, and those guidelines are designed to ensure that the LEC handling the first point of switching provides any other cooperating LECs with the information necessary for proper billing. As an example, a typical interstate access tariff provides that when more than one LEC is involved in providing a switched access service, the cooperating LECs will agree upon how they will accept orders for access services and how they will bill the IXC for those services

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<sup>2</sup> Southwestern Bell Tel. Co. Tariff F.C.C. No. 73 § 6.1.

<sup>3</sup> *Id.* § 6.8.3.

(e.g. single bill, multiple bill).<sup>4</sup> In the case of Feature Group D access, the cooperating companies usually each accept an order from the access customer, rate the service pursuant to their respective tariffs, and send separate bills for the elements of the service that they have provided.<sup>5</sup> However, procedures exist to handle exceptions to this practice, so that one carrier can be solely responsible for billing the access customer on behalf of both.<sup>6</sup>

The relationship between the cooperating LECs is governed by the Multiple Exchange Carrier Access Billing (“MECAB”) guidelines, as published by the Ordering and Billing Forum of the Alliance for Telecommunications Industry Solutions.<sup>7</sup> In regard to terminating access from an IXC to a LEC through the other LEC, the guidelines impose a duty on the LEC providing the first point of access switching to have a relationship with the IXC and to provide an access record to the terminating (i.e. final point of switching) LEC so that the terminating LEC can bill the proper party for its portion of the access service.<sup>8</sup> Thus, the terminating LEC is assured of just compensation.

These procedures described above are straightforward and have been of longstanding usefulness. The Commission should recognize this and apply them to any type of PSTN-to-PSTN long distance traffic, including the traffic at issue in this proceeding. In regard to the evasive tactics alleged by SBC’s Petition, in which PSTN-to-PSTN long distance traffic is delivered over local business lines, the Commission should underscore the duty of LECs who are jointly providing access to cooperate with each other to establish the nature of the traffic and its

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<sup>4</sup> *See, e.g. id.* § 2.6.

<sup>5</sup> Southwestern Bell Tel. Co. Tariff F.C.C. No. 73 § 2.6.3.

<sup>6</sup> *Id.* § 2.6.2.

<sup>7</sup> *Id.* § 2.6. *See* Alliance for Telecommunications Industry Solutions, Multiple Exchange Carrier Access Billing, ATIS/OBF-MECAB-007 (2001)(“MECAB Guidelines”).

<sup>8</sup> MECAB Guidelines at 6-10.

source. With these safeguards in place, the terminating LEC can easily identify the party who has delivered such traffic for termination. Thus, there is no reason for the terminating LEC(s) to look up the chain of carriers to seek compensation from an intermediate IXC.

**C. Conclusion**

Current practices and procedures in the telecommunications industry, properly applied, are adequate to ensure that exchange access providers are properly compensated. To the extent that LECs have any grievances in regard to these processes, sufficient remedies are already available, without the Commission increasing the liability of intermediate carriers.

Respectfully submitted,

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Dated: November 10, 2005